

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lynn Dickey *et al.* Confirmation No.: 5538
Appl No.: 10/675,011 Group Art Unit: 1638
Filed: September 30, 2008 Examiner: Li Zheng
For: EXPRESSION OF BIOLOGICALLY ACTIVE POLYPEPTIDES IN
DUCKWEED

September 22, 2011

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTIFICATION OF CHANGE OF SMALL ENTITY STATUS
ESTABLISHED IN ERROR 37 C.F.R. §1.28(c)(2)**

Applicants hereby submit that the small entity status, asserted in good faith on September 9, 2011, in connection with the above-identified application, is hereby withdrawn, and that the Request for a Refund under 37 C.F.R. §1.28(a) in the amount of \$755, to be credited to the Alston & Bird LLP Deposit Account 16-0605, also made in good faith on September 9, 2011, is hereby withdrawn. In accordance with 37 C.F.R. §1.28(c)(2)(i), the circumstances leading to Applicants' withdrawal of the assertion of small entity status and withdrawal of this refund request, as well as the itemization of the deficient fee, are as follows.

The Issue Fee in the amount of \$1,510 was timely paid in the above-identified application on August 12, 2011, via a charge against Alston & Bird LLP Deposit Account No. 16-0605 for Fee Code 1501, as shown on the enclosed statement for this account, dated August 2011, at page 7, line 32. The Issue Fee was paid based on large entity status as previously asserted for the above-identified application on June 22, 2007.

On September 9, 2011, Applicants in good faith claimed small entity status and electronically filed a Request for a Refund under 37 C.F.R. §1.28(a) in the above-identified application via the EFS-Web electronic filing system of the U.S. Patent and Trademark Office. The refund request was in the amount of \$755, which is the difference between the Issue Fee paid in the above-identified application based on large entity status and the Issue Fee owed based on the claim for small entity status (i.e., \$1510 paid - \$755 owed = **\$755 refund**). Applicants requested that this refund in the amount of \$755 be credited to Deposit Account No. 16-0605.

The request for this refund and the claim for small entity status were made in good faith, as it was believed that small entity status was entitled to be asserted for the above-referenced application. It has now been discovered that such status as a small entity that was asserted on September 9, 2011, was established in error. Although the above-referenced application qualified for small entity status as of February 18, 2010, it has now been discovered that this small entity status changed as of May 12, 2010.

Accordingly, such small entity status, claimed in good faith on September 9, 2011, is hereby withdrawn. Applicants' Request for a Refund under 37 C.F.R. §1.28(a) in the amount of \$755, to be credited to Deposit Account 16-0605, which was also made in good faith on September 9, 2011, is hereby withdrawn.

Applicants note that on September 19, 2011, Deposit Account 16-0605 was credited the **\$755 refund** in connection with the Request for a Refund under 37 C.F.R. §1.28(a) that was filed on September 9, 2011, in the above-identified application, as shown on the enclosed statement for this account, dated September 2011, at page 11, lines 30-31. Accordingly, it is believed that the **fee deficiency now due for the Issue Fee** paid in the above-identified application is **\$755**.

The \$755 fee deficiency is paid electronically herewith via authorization to charge Deposit Account 16-0605 in the amount of \$755 in order to rectify this fee deficiency for the Issue Fee paid in the above-identified application. It is not believed that any further payment is due in connection with this communication; however, the Commissioner is hereby authorized to charge any such additional payment to Deposit Account No. 16-0605.

Respectfully submitted,

/leslie t. henry/

Leslie T. Henry
Registration No. 45,714

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Research Triangle Area Office (919) 862-2200
Fax Research Triangle Area Office (919) 862-2260
ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES
PATENT & TRADEMARK OFFICE ON SEPTEMBER 22, 2011.
LEGAL02/32876380v1



United States
Patent and
Trademark Office

Record For
USPTO
Home Page
Finance
Online
Shopping
Page

Deposit Account Statement

Requested Statement Month: August 2011
 Deposit Account Number: 160805
 Name: ALSTON & BIRD LLP
 Attention: BANK OF AMERICA
 Street Address 1: 101 SOUTH TRYON STREET
 Street Address 2: SUITE 4000
 City: CHARLOTTE
 State: NC
 Zip: 28280-4000
 Country: UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEES CODE	AMT	BAL
08/01 892	12171336	941-012580-US (D01)	1801	\$810.00	\$95,044.49
08/01 891	12171336	941-012580-US (D01)	1251	\$130.00	\$94,914.49
08/01 1432	12865265	033794/393357	8021	\$40.00	\$94,874.49
08/01 2218	11121746	042933/302232	1251	\$130.00	\$94,744.49
08/01 2755	13147062	033339/408543	1842	\$430.00	\$94,314.49
08/01 2754	13147062	033339/408543	1831	\$330.00	\$93,984.49
08/01 2756	13147062	033339/408543	1633	\$220.00	\$93,764.49
08/01 3128	11815954	038778/332231	1501	\$1,510.00	\$92,254.49
08/01 3129	11815954	038778/332231	1504	\$300.00	\$91,954.49
08/01 3928	13097859	0541014/061213	2251	\$65.00	\$91,889.49
08/01 3941	12044346	033339/341760	1202	\$52.00	\$91,837.49
08/01 3842	12044346	033339/341760	1251	\$130.00	\$91,707.49
08/01 4290	11569024	035718/391315	1814	\$140.00	\$91,567.49
08/01 4289	11569024	035718/391315	1251	\$130.00	\$91,437.49
08/01 4362	13194308	057336/404267	4011	\$82.00	\$91,365.49
08/01 4363	13194308	057336/404267	2111	\$270.00	\$91,085.49
08/01 4364	13194308	057336/404267	2311	\$110.00	\$90,975.49
08/01 4632	81501117	057774-405181	2005	\$110.00	\$90,865.49
08/01 4633	81501117	057774-405181	2052	\$25.00	\$90,840.49
08/01 5840	11755207	50704/324546	1806	\$180.00	\$90,660.49
08/01 5926	10559959	042933/3877242	1253	\$1,110.00	\$89,550.49
08/01 6142	11915200	042933/388017	1801	\$810.00	\$88,740.49
08/01 6141	11915200	042933/388017	1251	\$130.00	\$88,610.49
08/01 6320	12298426	038779/384075	1801	\$810.00	\$87,800.49
08/01 6858	13131461	046190/408029	1617	\$130.00	\$87,570.49
08/01 6826	13131461	046190/408029	8021	\$40.00	\$87,530.49
08/01 8056	13194625	031456/407378	1011	\$330.00	\$87,300.49
08/01 8056	13194625	031456/407378	1311	\$220.00	\$87,080.49
08/01 8056	13194625	031456/407378	1202	\$312.00	\$86,768.49
08/01 8057	13194625	031468/407378	1111	\$540.00	\$86,228.49
08/01 28	12985001	033339/399144	1251	\$130.00	\$86,098.49
08/01 6	13144650	058685/407782	1632	-\$640.00	\$86,638.49

17636 10898726	042933/278200	1801	\$810.00	\$87,334.49
08/12 1910 13120895	035718/403728	1681	\$270.00	\$87,064.49
08/12 1911 13120895	035718/403728	1252	\$490.00	\$86,574.49
08/12 2056 11459741	018360/291384	8021	\$40.00	\$86,534.49
08/12 2770 13099807	038190/405052	1462	\$400.00	\$86,134.49
08/12 3095 12235059	050898/342683	2202	\$78.00	\$86,056.49
08/12 3096 12235059	050898/342683	2201	\$110.00	\$85,946.49
08/12 4629 PCT/US11/47418 55111/408316		1701	\$1,264.00	\$84,682.49
08/12 4631 PCT/US11/47418 55111/408316		1704	\$2,443.00	\$82,239.49
08/12 4630 PCT/US11/47418 55111/408316		1703	\$300.00	\$81,939.49
08/12 4628 PCT/US11/47418 55111/408316		1601	\$240.00	\$81,889.49
08/12 4955 13207987	055111/408305	1011	\$330.00	\$81,369.49
08/12 4956 13207987	055111/408305	1111	\$540.00	\$80,829.49
08/12 4957 13207987	055111/408305	1311	\$220.00	\$80,809.49
08/12 4959 13207987	055111/408305	1201	\$220.00	\$80,389.49
08/12 4958 13207987	055111/408305	1202	\$884.00	\$79,505.49
08/12 5454 12062926	042933/341141	1801	\$810.00	\$78,895.49
08/12 5473 12603916	033339/381220	1806	\$180.00	\$78,515.49
08/12 6155 12342749	050704/365005	1801	\$810.00	\$77,705.49
08/12 6157 11808424	042933/374466	1252	\$490.00	\$77,215.49
08/12 6158 11808424	042933/374466	1801	\$810.00	\$76,405.49
08/12 7209 11586815	042933/374481	1251	\$130.00	\$76,275.49
08/12 7772 PCT/US11/47453 045011/409035		1701	\$1,264.00	\$75,011.49
08/12 7774 PCT/US11/47453 045011/409035		1704	\$2,443.00	\$72,568.49
08/12 7773 PCT/US11/47453 045011/409035		1703	\$855.00	\$71,713.49
08/12 7771 PCT/US11/47453 045011/409035		1601	\$240.00	\$71,473.49
08/12 7937 11470307	042933/315702	1251	\$130.00	\$71,343.49
08/12 8583 12403342	057449-394512	1253	\$1,110.00	\$70,233.49
08/12 8584 12403342	057449-394512	1806	\$180.00	\$70,063.49
08/12 12025 12952778	035510/398317	1251	\$130.00	\$69,923.49
08/12 12992 10675011	040898/267934	1504	\$300.00	\$69,623.49
08/12 12991 10675011	040898/267934	1501	\$1,510.00	\$68,113.49
08/12 13695 12534405	035718/373799	1501	\$1,510.00	\$68,603.49
08/12 13698 12534405	035718/373799	1504	\$300.00	\$68,303.49
08/12 13844 3023749	56479/390190	7205	\$100.00	\$68,203.49
08/15 58 3429847	45788/330360	7212	\$100.00	\$68,103.49
08/15 885 11887784	H0009321-2930	1501	\$1,510.00	\$64,593.49
08/15 886 11887784	H0009321-2930	1504	\$300.00	\$64,293.49
08/15 968 11528610	H0007233-2910	1504	\$300.00	\$63,993.49
08/15 987 11628610	H0007233-2910	1501	\$1,510.00	\$62,483.49
08/15 1338 09842466	35576/233803	1501	\$1,510.00	\$60,973.49
08/15 1338 09842466	35576/233803	1504	\$300.00	\$60,673.49
08/15 1364 12871731	42833/408081	8007	\$20.00	\$60,553.49
08/15 1901 PCT/US11/47553 35718/408391		1601	\$240.00	\$60,413.49
08/15 1902 PCT/US11/47553 35718/408391		1701	\$1,264.00	\$59,149.49
08/15 1903 PCT/US11/47553 35718/408391		1703	\$2,880.00	\$58,269.49
08/15 1904 PCT/US11/47553 35718/408391		1704	\$2,443.00	\$53,826.49
08/15 2703 12235167	050704/337436	1251	\$130.00	\$53,696.49
08/15 2748 PCT/US11/47587 35718/408356		1704	\$2,443.00	\$51,253.49
08/15 2747 PCT/US11/47587 35718/408356		1703	\$1,095.00	\$50,158.49
08/15 2745 PCT/US11/47587 35718/408356		1601	\$240.00	\$49,918.49
08/15 2746 PCT/US11/47587 35718/408356		1701	\$1,264.00	\$48,654.49
08/15 2900 13208655	050704/409167	1311	\$220.00	\$48,434.49
08/15 2899 13208655	050704/409167	1111	\$540.00	\$47,894.49



**United States
Patent and
Trademark Office**

Return To
USPTO
Home
Page

Finance
Online
Shopping
Page

Deposit Account Statement

Requested Statement Month: September 2011
Deposit Account Number: 160805
Name: ALSTON & BIRD LLP
Attention: BANK OF AMERICA
Street Address 1: 101 SOUTH TRYON STREET
Street Address 2: SUITE 4000
City: CHARLOTTE
State: NC
Zip: 28280-4000
Country: UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	fee code	amt	bal
09/01	17641 77943700	06568/385934	7003	\$200.00	\$123,691.49
09/01	17877 12066889	031617/341757	2801	\$405.00	\$123,286.49
09/01	17878 12066889	031617/341757	2253	\$490.00	\$122,798.49
09/01	18130 13254035	058190-409739	2614	\$220.00	\$122,578.49
09/01	18131 13254035	058190-409739	2817	\$65.00	\$122,511.49
09/01	18128 13254035	058190-409739	2633	\$110.00	\$122,401.49
09/01	18127 13254035	058190-409739	2641	\$50.00	\$122,351.49
09/01	18128 13254035	058190-409739	2631	\$165.00	\$122,186.49
09/01	18129 13254035	058190-409739	2615	\$52.00	\$122,134.49
09/01	18460 11037574	048765/287266	1504	\$300.00	\$121,834.49
09/01	18458 11037574	048765/287266	1501	\$1,510.00	\$120,324.49
09/01	21693 11663780	021620-000200US	2252	\$245.00	\$120,079.49
09/01	22102 12363912	034423/365739	1252	\$490.00	\$119,588.49
09/01	22305 13222600	035576/409770	1311	\$220.00	\$119,369.49
09/01	22303 13222600	035576/409770	1011	\$330.00	\$119,039.49
09/01	22304 13222600	035576/409770	1111	\$540.00	\$118,499.49
09/01	22491 13222600	035576/409770	8021	\$40.00	\$118,459.49
09/01	22781 13222632	040990/409806	2311	\$110.00	\$118,349.49
09/01	22759 13222632	040990/409806	4011	\$82.00	\$118,267.49
09/01	22760 13222632	040990/409806	2111	\$270.00	\$117,997.49
09/01	22772 13172340	050704/4405809	8021	\$40.00	\$117,957.49
09/01	22934 13222632	040990/409806	8021	\$40.00	\$117,917.49
09/01	22937 61529693	035718/395644	1005	\$220.00	\$117,697.49
09/01	22974 13222649	042933/NC75953US	1011	\$330.00	\$117,367.49
09/01	22977 13222649	042933/NC75953US	1201	\$660.00	\$116,707.49
09/01	22976 13222649	042933/NC75953US	1311	\$220.00	\$116,487.49
09/01	22975 13222649	042933/NC75953US	1111	\$540.00	\$115,947.49
09/01	23026 13222656	042933/406874	1311	\$220.00	\$115,727.49
09/01	23024 13222656	042933/406874	1011	\$330.00	\$115,397.49
09/01	23025 13222656	042933/406874	1111	\$540.00	\$114,857.49
09/01	23114 11997520	054101/339950	1504	\$300.00	\$114,557.49
09/01	23113 11997520	054101/339950	2501	\$755.00	\$113,802.49

09/16 9685 13233991	049663/409004	2311	\$110.00	\$126,574.49
09/16 9883 13233991	049663/409004	4011	\$82.00	\$126,492.49
09/16 9884 13233991	049663/409004	2111	\$270.00	\$126,222.49
09/16 9737 13175713	042933/406114	1051	\$130.00	\$126,092.49
09/16 9842 13175713	042933/406114	8021	\$40.00	\$126,052.49
09/16 9874 PCT/US11/51824 049663/410185		1703	\$34.00	\$126,018.49
09/16 9873 PCT/US11/51824 049663/410185		1701	\$1,406.00	\$124,612.49
09/16 9872 PCT/US11/51824 049663/410185		1601	\$240.00	\$124,372.49
09/16 9873 PCT/US11/51824 049663/410185		1709	\$1,157.00	\$123,215.49
09/16 9934 12146765	053260/342949	1402	\$540.00	\$122,675.49
09/16 13947 11647425	042933/374402	1252	\$490.00	\$122,185.49
09/16 13948 11647425	042933/374402	1801	\$810.00	\$121,375.49
09/16 4 12874814	042933/395040	1814	\$140.00	\$121,235.49
09/16 16071 61406441	046143/394550/EBC	8021	\$40.00	\$121,195.49
09/16 16196 12534714	035718/373795	1504	\$300.00	\$120,895.49
09/16 16196 12534714	035718/373795	1501	\$1,510.00	\$119,385.49
09/16 18346 11672380	045711/332391	1253	\$1,110.00	\$118,275.49
09/16 18537 85424634	46784/409729	7001	\$2,275.00	\$116,000.49
09/16 3 13056209	046190/400459	1504	-\$300.00	\$116,300.49
09/19 1244 13173502	056361/406939	2051	\$65.00	\$116,235.49
09/19 1278 29360067	105289/384052	1502	\$860.00	\$115,375.49
09/19 1434 10538024	034423/292784	1504	\$300.00	\$115,075.49
09/19 1433 10538024	034423/292784	1501	\$1,510.00	\$113,565.49
09/19 1524 11569012	033339/319868	1504	\$300.00	\$113,265.49
09/19 1523 11569012	033339/319868	1501	\$1,510.00	\$111,755.49
09/19 1569 13112282	033794/405887	8021	\$40.00	\$111,715.49
09/19 1853 12100596	042933/407663	1253	\$1,110.00	\$110,605.49
09/19 3035 13056209	046190/400459	1803	\$130.00	\$110,475.49
09/19 3036 13056209	046190/400459	1505	\$300.00	\$110,175.49
09/19 1 10675011	040969/267934	1501	-\$1,510.00	\$111,685.49
09/19 2 10675011	040969/267934	2501	\$755.00	\$110,930.49
09/19 3429 13257104	033339/410221	1633	\$220.00	\$110,710.49
09/19 3427 13257104	033339/410221	1631	\$330.00	\$110,380.49
09/19 3428 13257104	033339/410221	1642	\$430.00	\$109,950.49
09/19 3929 12100764	042933/341047	1401	\$540.00	\$109,410.49
09/19 3928 12100764	042933/341047	1253	\$1,110.00	\$108,300.49
09/19 4867 11617098	047935/332809	1808	\$180.00	\$108,120.49
09/19 4866 11817098	047935/332809	2251	\$65.00	\$108,055.49
09/19 5723 10569433	033794/308077	1253	\$1,110.00	\$108,945.49
09/19 5793 12003651	042933/378619	1253	\$1,110.00	\$105,835.49
09/19 6236 11769951	042933/327990	1401	\$540.00	\$105,295.49
09/19 6235 11769951	042933/327990	1253	\$1,110.00	\$104,185.49
09/19 6259 13176941	058108/407759	1051	\$130.00	\$104,055.49
09/19 6492 13176941	058108/407759	8021	\$40.00	\$104,015.49
09/19 6831 13234926	038494/409964	1311	\$220.00	\$103,795.49
09/19 6830 13234926	038494/409964	1111	\$540.00	\$103,255.49
09/19 6829 13234926	038494/409964	1011	\$330.00	\$102,925.49
09/19 8677 13175439	033339/407544	1051	\$130.00	\$102,795.49
09/19 8801 13175439	033339/407544	8021	\$40.00	\$102,755.49
09/19 9003 12464661	034183/370064	1801	\$810.00	\$101,945.49
09/19 9002 12464661	034183/370064	1252	\$490.00	\$101,455.49
09/19 9827 61535798	038151-407293	2005	\$110.00	\$101,345.49
09/19 9907 13131835	034691/405310	1617	\$130.00	\$101,215.49
09/19 10017 13131835	034691/405310	8021	\$40.00	\$101,175.49

00110